IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9706 OF 2003

Gautam India & Ors. .. Petitioners

Vs.

Corporation Bank ..Respondents

Mr.C.G.Gavnekar for the petitioners

Mr.D.P.Desai for the respondents

CORAM : S.U.KAMDAR, J
DATED : 22ND DECEMBER, 2005

P.C.:

1. The petitioners in the present case are challenging the order passed by the Debt Recovery Tribunal on two grounds. Firstly, it has been contended that the decree which has been passed by this court could not have been executed by the DRT. Decree is for 6,48,900.96 dt.26.8.86. The said decree was put in execution by the respondent bank on 28.1.98 in this court. The provision of section 31A has been introduced in the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 as amended by the Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 2000. The said amendment has come into force on 7.1.00.

After the said amendment having come into force, decree for execution has been transferred to the DRT on 19.6.01. Thus the contention that the DRT has no jurisdiction to execute decree passed by this court has no substance because the amendment being introduced under section 31A confers on a tribunal jurisdiction to execute decree passed by any court before the commencement of Recovery of of Debts Due to Banks and Financial Institutions (Amendment) Act, 2000. In the light of the aforesaid, the contention has no merits and the same is required to be rejected.

2. The second contention raised is that DRT has no jurisdiction to execute decree which is for less than Rs.10 lacs as the jurisdiction of tribunal is only for claim amount of more than Rs.10 lacs. The learned counsel for respondent bank has drawn my attention to the Judgement of the Apex Court in the case of Punjab National Bank Dasuya Vs. Chajju Ram and Others reported in (2000) 6 SCC 655 in which the Apex court has held that even if the decree is passed for lesser amount once the claim decreed exceeds more than Rs.10 lacs

under 31A tribunal would have jurisdiction to execute a decree. Thus, the second contention raised by the petitioner is also without any merits and thus requires to be rejected. Accordingly petition fails and the same is dismissed accordingly. No order as to costs.